

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

LARITA WILSON	:	
Plaintiff	:	
	:	
v.	:	DOCKET NO.
	:	
DOLLAR GENERAL CORPORATION	:	<b>NOTICE OF REMOVAL</b>
AND DOLGENCORP, LLC	:	
Defendants	:	

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

**ON NOTICE TO:**

Marc I. Simon, Esquire  
Simon & Simon PC  
1818 Market Street, Ste. 2000  
Philadelphia PA 19103  
*Attorney for Plaintiff*

PLEASE TAKE NOTICE that Dollar General Corporation and Dolgencorp, LLC (hereinafter “Removing Defendants”) hereby remove this action to this Federal Court pursuant to 28 U.S.C. §1332, 1441 and 1446, with full reservation of any and all defenses and objections.

In support of this Notice of Removal, Removing Defendants respectfully submit as follows:

1. On October 13, 2021 Plaintiff filed a formal Complaint sounding in negligence in the Court of Common Pleas for Philadelphia County styled *LaRita Wilson v. Dollar General Corporation and Dolgencorp, LLC*, Case No. 211000989. A copy of the Complaint is attached and marked as Exhibit “A.”

2. The Complaint contains no specific prayer for relief other than an allegation the value of the claim exceeds \$75,000. Id.

3. Removal is timely pursuant to 28 U.S.C. §1446(b) in that this Petition is being filed within thirty (30) days after Defendants received the initial pleading setting forth the claim for relief upon which the action is based.

4. The Court of Common Pleas for Philadelphia County is located within the district for the United States District Court for the Eastern District of Pennsylvania.

5. This Court has jurisdiction pursuant to 28 U.S.C. §1332, in that the true parties are completely diverse and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

6. Plaintiff alleges “serious and permanent personal injuries, serious impairment of bodily function and/or permanent serious disfigurement and/or aggravation of pre-existing conditions, and other ills and injuries, including to the right arm, both shoulders and back, as well as headaches, all to Plaintiff’s great loss and detriment...great financial detriment and loss...may in the future suffer great anguish, sickness and agony and will continue to suffer for an indefinite time into the future...Plaintiff has suffered emotional injuries...may in the future undergo a great loss of earnings and/or earning capacity...incurred or will incur medical, rehabilitation and other related expenses.” See Exhibit “A” at ¶ 11-15.

7. A review of the allegations of the Complaint provides a good faith basis to determine an amount in controversy in excess of \$75,000. See e.g., Lewis v. FCA US LLC, 2015 U.S. Dist. LEXIS. 78214 (E.D. Pa. 2015). Indeed, Plaintiff’s prayer for relief confirms same. See Exhibit “A.”

8. According to the Complaint, Plaintiff is an adult individual citizen of the Commonwealth of Pennsylvania who resides and is domiciled in Philadelphia, Pennsylvania. See Exhibit “A.”

9. Defendant Dolgencorp, LLC is a single member, manager managed limited liability company organized under the laws of Kentucky with its principle place of business in Tennessee and, therefore, citizens of those states in accordance with 28 U.S.C. §1332.

10. Dolgencorp, LLC's single member is Dollar General Corporation, which is an entity incorporated, and with a principal place of business in Tennessee and, therefore, citizens of those states in accordance with 28 U.S.C. §1332.

11. Dollar General Corporation is the parent of "Dolgencorp, LLC" but Dollar General Corporation has no operating interest in any retail store trading as "Dollar General."

12. It is "deeply ingrained in our economic and legal systems that a parent corporation ... is not liable for the acts of its subsidiaries." Pearson v. Component Tech. Corp., 247 F.3d 471, 484 (3d Cir.2001).

13. Defendant "Dolgencorp, LLC" is the sole legal entity who operates stores trading as "Dollar General" in the Commonwealth of Pennsylvania.

14. Diversity exists as to the defendants. See 28 U.S.C. §1332(a)(2); *Moore's Federal Practice* § 107.14(2)(c) ("a federal district court has original jurisdiction of all civil actions in which the amount in controversy is satisfied and the action is between citizens of the state and citizens or subjects of a foreign state. This judicial power has often been referred to as alienage jurisdiction.")

15. Pursuant to 28 U.S.C. §1446(a), a copy of all process, pleadings and Orders that have transpired in the State Court Action have been attached at Exhibit "A."


16. In compliance with 28 U.S.C. §1446(d), Defendants will, upon receipt of a federal court docket number, promptly serve the Prothonotary for the Court of Common Pleas for Philadelphia County with a true copy of the within Petition for Removal.

WHEREFORE, the Removing Defendants hereby give notice that the above action now pending against them in the Court of Common Pleas for Philadelphia County is removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

**PISANO LAW FIRM**

By:

  
Matthew T. Pisano, Esquire (MP8104)  
Attorneys for Defendants

Date:

1/12/2022